



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-075**

July 31, 2006

William O Flynn
50 Kennedy Rd
Tewksbury, MA 01876

RE: DES Wetlands File #2005-01742, ROW Gilman Shore Rd, Belmont

Dear Mr. Flynn:

On June 24, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Belmont Tax Map 111 as Lot 79 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiency was documented:

1. A personal watercraft lift was documented in Winnisquam Lake in front of a 5 foot wide Right of Way ("ROW"). The Department previously determined the 5 foot ROW is a walkway providing access to the lake and does not meet the rules for the installation and use of a docking facility (copy of decision enclosed)

In response, you are requested to take the following action:

1. Within 15 days of receipt of this Letter of Deficiency, permanently remove the personal watercraft lift from its location on Winnisquam Lake. Upon completion of the requested work, submit photographs to DES showing that the lift has been removed.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

July 31, 2006

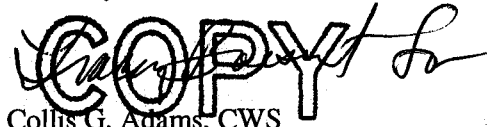
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All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey D. Blecharczyk, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Jeffrey D. Blecharczyk at (603) 271-6876.

Sincerely,



Collis G. Adams, CWS
Administrator
Wetlands Bureau

Enclosure

CERTIFIED MAIL 7099 3400 0003 0688 7503

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Belmont Conservation Commission
Belmont Board of Selectmen
USACOE